

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TOYO TIRE CORPORATION, et al.,

Plaintiffs,

vs.

ATTURO TIRE CORPORATION, et al.,

Defendants.

Case No. 1:14-cv-00206

Judge Mary. M. Rowland

Magistrate Judge Susan E. Cox

ATTURO TIRE CORPORATION,

Counter-Plaintiff,

v.

TOYO TIRE CORPORATION, et al.,

Counter-Defendants.

TOYO’S MOTION FOR JUDGMENT OR, ALTERNATIVELY, A NEW TRIAL

Plaintiffs Toyo Tire Corporation and Toyo Tire U.S.A. Corporation (collectively, “Toyo”) move for judgment in their favor on Counts I-VI of Atturo Tire Corporation’s (“Atturo”) counterclaims (tortious interference with existing contracts; tortious interference with prospective business expectancy; defamation; unfair competition; unjust enrichment; and violation of the Illinois Deceptive Trade Practices Act) based on Toyo’s affirmative defenses of the public interests in intellectual property privilege and in permitting settlement, absolute litigation privilege, and *Noerr-Pennington* immunity.

Alternatively, pursuant to Federal Rule of Civil Procedure 50(b), Toyo renews its motion for judgment as a matter of law in its favor on Counts I-VI of Atturo's counterclaims (tortious interference with existing contracts; tortious interference with prospective business expectancy; defamation; unfair competition; unjust enrichment; and violation of the Illinois Deceptive Trade Practices Act).

If the Court does not enter judgment in Toyo's favor on Counts I-VI of Atturo's counterclaims, Toyo alternatively moves to strike the jury's award of compensatory and punitive damages, and requests that the Court enter an award of nominal damages of \$1.

Alternatively, Toyo moves for a new trial pursuant to Rule 59. If the Court does grant a new trial under this alternative request, Toyo will subsequently request that the new trial be held after an appeal.

The grounds for this motion are set forth in the accompany brief, exhibits to the brief, and citations to the Court file, trial transcript, and trial exhibits.

Dated: October 25, 2021

Respectfully submitted,

/s/ Matthew B. Lowrie

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon all counsel of record via the Court's CM/ECF system on October 25, 2021.

/s/ Kimberly K. Dodd

Kimberly K. Dodd